

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, February 12, 2013

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Finance Director Tony Bryan, Municipal Services Director Don Prince and Acting Deputy Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Pauline Brooks McGuinness (Representing the Bahia Faith)

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Add 16b

5. PRESENTATIONS

a) Employees of the Quarter (Town Manager Connie Hoffmann)

Town Manager Hoffmann remarked it was appropriate to honor the hard work of the Town's Municipal Services crews, noting they worked as a team, so it was difficult to recognize a single individual. They did a tremendous amount of work in the first quarter of FY 2013, working day and night dealing with one tropical storm and one hurricane. She listed the accomplishments for which they were being recognized.

Municipal Services Director Prince read the names of those being honored as Employees of the Month, as illustrated in the backup. He thanked the Town Commission and Manager, on behalf of the employees, for the recognition.

Town Commission Regular Meeting Minutes
February 12, 2013

Mayor Minnet stated the Town would not be the way it was without them, asking Mr. Prince to extend the Commission's and the Town's gratitude for everything they did.

b) Presentation on County P.A.C.E. Program (Town Manager Connie Hoffmann)

Dr. Jennifer Jurado, Director of Natural Resources, Planning & Management Division, Broward County, gave a presentation on the P.A.C.E. Program, as reflected in the backup. She mentioned the following highlights:

- Request for letters of interest (LOI) sent out for a turnkey energy efficiency finance program for both businesses and residences
- Of four responsible responses to the LOI, two were short listed and presented P.A.C.E. like models for County staff to evaluate and rank
- County staff's ranking was upheld by the County Commission
- Additional discussion of what such a program would comprise for businesses and residence, etc.
- County Commission to convene a workshop specific to the subject issue, with a meeting date of April 2, 2013, identified
- Dr. Jurado would return to update the Commission on the outcome.

Vice Mayor Sasser commented the P.A.C.E. Program was a method by which to borrow money to enable businesses/residents to make their structures more energy efficient.

Dr. Jurado concurred, stating the funds were to improve energy efficiency and wind resistance.

Vice Mayor Sasser recalled Fannie Mae and Freddie Mac stated they would no longer lend to property owners participating in a P.A.C.E. program. He questioned if this were true and, if so, had the issue been resolved.

Town Attorney Trevarthen replied the backup information covered that issue and, with regard to a resolution, the matter was still an open issue. The County was aware and in the process of evaluating how to structure their program, so they might not be affected by that issue. She was unable to say when the matter would be resolved.

Commissioner Vincent added the subject funds were private money investment or lending paid through ad valorem or some type of assessment to the taxing authority, which, in turn, paid the private investor.

Dr. Jurado answered correct.

Mayor Minnet questioned if the County was offering the P.A.C.E. Program to municipalities; were they automatically included in the program but free to opt in or out?

Dr. Jurado thought the initial concept was to establish a district that allowed for countywide participation, and municipalities could opt out as desired. Thus, the idea

Town Commission Regular Meeting Minutes
February 12, 2013

was to develop a regional structure to allow regional participation without everyone having to duplicate what was an intense process. She indicated municipalities were not precluded from establishing other number of combinations of services and programs within their municipal jurisdiction.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Yann Brandt remarked on the P.A.C.E. Program being a very complicated issue with the potential to create great impact in economic development. He sat in on a recent Broward County Commission meeting at which they discussed the P.A.C.E. Program. His experience in the private sector taught him focus should be on whether or not the task had been executed, and this should be the Town's mentality and focus.

Edmund Malkoon mentioned the purchasing issue for the Bel Air gates, wondering if Town staff could look into the possibility of setting up a mechanism whereby purchasing was done through the Town. This could be used for the Commercial Boulevard projects.

Carmela Facchini stated usually when she came to the Town she was proud to be there and had friends meet her, noting Town improvements over the years were beautiful. However, in the current year, the conditions along the two blocks on Bougainvillea were a horror, as her house, lungs and car were full of dirt constantly, and the noise made it impossible to rest or sleep. She saw no resolution in the near future. She commented on getting to the Pine Avenue portal and it from the west of A1A was a death trap, as the crossing across A1A at Pine Avenue was the only one without any traffic lights, stop signs or yield to pedestrian signs. The Pine Avenue portal was the most unkempt of all the beautiful portals in the Town.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

7. PUBLIC SAFETY DISCUSSION

None

8. TOWN MANAGER REPORTS

Town Manager Hoffmann responded to Mr. Malkoon's earlier comment about purchasing items via the Town's purchasing procedures in order to save sales tax. She indicated it had been Town staff's intention to take such steps with regard to the east and west Commercial Boulevard projects for all the street furniture, lights, where items were costly enough to warrant such action.

Municipal Services Director Prince stated he would meet with Ms. Facchini, as he knew Town staff cleaned the portal twice per week.

Town Commission Regular Meeting Minutes
February 12, 2013

Town Manager Hoffman indicated the shower at that portal constantly filled with sand, and Town staff looked into the matter a number of times and had yet to find a solution. She reviewed her report, as detailed in the backup, highlighting the following:

- 19th Street drainage project commenced
- The Town switched to a new Parking Citation System
- Implementation of Pay-by-Phone for single-space parking meters
- Problems with the Bougainvilla Project and the unacceptable pace at which the contractor was executing the work, and the efforts being made to resolve them.

Mayor Minnet thought it needed to be pointed out that part of the delay was that the project scope expanded, as it did not originally include taking up the road.

Mr. Cole commented the public had been very patient and complaints were legitimate.

Commissioner Vincent asked if Mr. Cole was being updated weekly regarding the critical path where delays were being encountered, and was he satisfied.

Mr. Cole reiterated his dissatisfaction with the contractor's pace. Despite there being adequate time to meet the anticipated completion date, he thought it possible to finish ahead of time. He had difficulty understanding why the contractor was not moving faster, as the sooner they finished, the more money they made. One of the main reasons for the delay was it appeared the contractor had other projects, so he assumed the manpower was spread thin.

Commissioner Vincent inquired if, in light of the complaints of dirt, etc., if the contractor left the work site in a suitable condition at the end of each workday.

Mr. Cole believed people were uncomfortable living around that much sand and having to drive over it, being more used to concrete, asphalt and grass. Some of the steps taken included the water truck frequently wetting the sand, which helped.

Vice Mayor Sasser remarked on the need for Town staff to learn from experience with the Bougainvilla project, with the considerable construction on east/west Commercial Boulevard approaching.

Town Manager Hoffmann added Town staff was learning, as rather than using a low bid process, contractors would be first qualified on if they did a superb job on like projects.

9. TOWN ATTORNEY REPORT

None

10. APPROVAL OF MINUTES

Town Commission Regular Meeting Minutes
February 12, 2013

None

11. CONSENT AGENDA

Item 11b, 11c and 11e were pulled.

Commissioner Dodd indicated he would not be able to attend the Special Commission meeting with the Chamber on February 19, 2013, but the meeting should proceed.

Mayor Minnet urged Commissioner Dodd to forward questions to the Town Manager.

Commissioner Vincent made a motion to approve items 11a and 11d on the Consent Agenda. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- a. Agenda for February 19th Joint Meeting with Chamber of Commerce (Town Manager Connie Hoffmann)

Approved on consent.

- b. Special Event Application for the Lauderdale-By-The-Sea Art and Craft Show proposed for Saturday and Sunday March 9-10, 2013 (Assistant Town Manager Bud Bentley)

Mayor Minnet sought clarification as to what areas would be designated free parking.

Town Manager Hoffmann thought it should be made clear that the waived parking fees pertained only to the on-street meters within the event site and not for the whole town.

Commissioner Dodd made a motion to approve item 11b with the recommendation for Town staff to clarify the location of waived event parking fees. Commissioner Vincent seconded the motion. The motion carried 5-0.

- c. Bel Air Neighborhood Improvement Project – Entrance Gates & Lights (Project Manager Bill Cole)

Mayor Minnet abstained from voting on the subject item, as she knew the contractor.

Commissioner Brown noticed the site of the 19th Street drainage project where the Town just broke ground on was not far from the site where the gate on 19th Street would be installed. He wondered if this would impact the starting or completion time for the gate, and would it still be done concurrently with the gate on 15th Street.

Municipal Services Director Prince responded the gates would be installed as planned and left open until the drainage project was complete.

Town Commission Regular Meeting Minutes
February 12, 2013

Commissioner Dodd made a motion to approve item 11c. Commissioner Vincent seconded the motion. The motion carried 4-0. Mayor Minnet abstained.

- d. Amendment to Flynn's Engineering Work Authorization for Design, Bid, and Construction Services for the Bougainvillea Drainage & Streetscape Project. (Town Manager Connie Hoffmann)

Approved on consent.

- e. Commission Meeting Conflict (Town Manager Connie Hoffmann)

Mayor Minnet received a Commission consensus to reschedule the March 26, 2013, Commission meeting to April 2, 2013, at 7:00 p.m.

Commissioner Dodd made a motion to approve item 11e. Commissioner Vincent seconded the motion. The motion carried 5-0.

12. ORDINANCES – PUBLIC COMMENTS

1. Ordinances 1st Reading

None

b. Ordinances 2nd Reading

None

13. RESOLUTIONS

- a. Resolution 2013-04: Approving Interlocal Agreement with Broward County for Solid Waste Services and Selection of Solid Waste Disposal Contractors. (Assistant Town Manager Bud Bentley)

Mayor Minnet invited and received no public comment. She agreed with staff's recommendation to withdraw the resolution, as the dais desired no action to be taken, and the issue could be placed on a future agenda when there was something to report. She suggested holding a workshop, inviting all parties involved to discuss the matter.

Town Manager Hoffmann commented Town staff preferred the item not be deferred to a time certain, as Fort Lauderdale had yet to release their information, and Town staff needed time to evaluate their bids, as well as what other municipalities were doing.

Town Attorney Trevarthen concurred with withdrawing the item. It was not an ordinance, so there was no need for published notices to keep the matter alive.

Assistant Town Manager Bentley remarked the three vendors requested time to make presentations to the Commission, and the workshop should be set after the Fort Lauderdale bid data was released. Town staff would later propose workshop dates.

Town Commission Regular Meeting Minutes
February 12, 2013

14. QUASI-JUDICIAL PUBLIC HEARINGS

None

15. COMMISSION COMMENTS

Mayor Minnet thanked residents of the Bougainvilla project for their understanding, knowing it was not an easy process to live through; she had repeatedly expressed her displeasure on the way the project was progressing. She then discussed various lies printed in a local publication regarding her comments made during a Charter Review Board (CRB) meeting. At no time did she request Charter changes that would allow her to run again; the issue she always brought up was to have parity. She felt if the Mayor had to wait two years before running again after he/she fulfilled term limits, then so should Commissioners. The CRB was asked to discuss ways to bring about this parity, as she had always been told the Mayor and Commissioners were the same, with neither having more power than the other. In 2008, the then Commission voted to cease the practice of the Mayor voting last, instituting an automatic voting machine, though it was mentioned at the time this conflicted with the Town Charter. At the time of that decision, both Commissioner Silverstone and Vice Mayor McIntee did not want the Mayor to vote last. She asked all members of the public to ask questions if they did not understand what was being said in any of the Town's publications or at the Charter Review meetings. She reiterated she would not benefit from any change in the Town's Charter. Mayor Minnet reminded everyone to log onto the Broward League of Cities website to record their volunteer hours. She invited her fellow members of the Town Commission to the League's general membership meeting next Thursday, as the meeting would be very informative.

Commissioner Vincent thanked Town staff for the recognition of the Municipal Services Department employees, as Mr. Prince and his staff did a great job for the Town. The feedback he received from both local residents and businesses was positive as to how well the Town was looking and how polite and courteous Town staff were.

16. OLD BUSINESS

a. The Communications Services Tax (Mayor Roseann Minnet)

Mayor Minnet stated she put the subject item on the agenda to ensure everyone understood what was taking place on a legislative level with the communication services tax. She believed the amount in the Town's budget from the revenue of that tax was about \$350,000, and the legislature was trying to eliminate allowing local municipalities to collect communications services tax. Everyone was urged to contact their legislative representatives to ask them to vote "no" to the communications services tax and allow local municipalities to continue collecting this tax. She said if the state legislature succeeded, it would push the tax back on citizens, whose local taxes would increase, as

Town Commission Regular Meeting Minutes
February 12, 2013

it was a significant amount of money many municipalities would have to find. If anyone had questions, they should contact her and she would do her best to answer them.

b. Item 8d of Town Manager Report from Commission Meeting January 22, 2013, Bougainville Landscape Project

Mayor Minnet remarked on bringing the subject item forward for clarification and opened the discussion to the public.

Victoria Lauricella thanked Commissioner Brown for his efforts to resolve the issue. She had nothing against landscaping, as evidenced by the fact that hers was the only home on her block that was landscaped. On her side of the block the plan was to plant seven trees, three of which would be on her property. She did not want a tree that shed, such as the oak tree option; she was down to one tree, but the three choices given to her by Town staff were trees that grew to an average of 20 to 30 feet or higher. All three options would shade her grass, and all had some type of fruit that attracted birds, raccoons, rodents, etc. and produced fruit that stained. She could not understand why they were not being allowed to have palm trees, such as an Alexander palm. She hoped the Town intended to maintain the plants planted in the island by her home. Ms. Lauricella echoed displeasure with the conditions she had to endure with the sand from the Bougainville project.

Commissioner Brown said he felt her objections were justified, including being able to have a palm tree; though it had no canopy, it provided beautification. The Lauricella's property was one of the more aesthetically pleasing, and putting a tree with a canopy would negatively impact their landscaping. He recommended approving the Alexander palm as requested.

Mayor Minnet disagreed with placing a single Alexander palm on the road, as this would not be aesthetically pleasing, and it was better to have no tree at all. She was sorry no one wanted the trees chosen for the property, but it would provide the beautification desired, and the street was enjoyed by many other residents and tourists. She recommended the Yellow Tabebuia, a beautiful, flowering tree, which she was not aware had fruit or seeds that drop from it, nor was it a tall tree.

Commissioner Dodd made a motion to Approve item 16d with Mayor Minnet's recommendation for the one tree to be planted by the Lauricella's residence to be a Yellow Tabebuia. Commissioner Vincent seconded the motion. The motion carried 3-2; Vice Mayor Sasser and Commissioner Brown.

17. NEW BUSINESS

a. 101 Ocean's Requested Cancellation of 1999 Parking Agreement (Assistant Town Manager Bud Bentley)

Town Commission Regular Meeting Minutes
February 12, 2013

Assistant Town Manager Bentley clarified 101 desired the parking agreement be amended not canceled, as they understood the legal ramifications for canceling it. They updated the request, asking for the parking permits to be moved to the A1A lot, which would be more useful to them. They would pay the prevailing rate of the permits in the A1A lot. He noted, with a Commission consensus to move forward, Town staff would prepare an agreement for a Commission vote at a later time.

Vice Mayor Sasser questioned the repercussions to the A1A lot, and how many would be allotted to 101 Ocean or other businesses desiring to the same action.

Assistant Town Manager Bentley replied permits were non-exclusive and based upon availability of space, and the Town sold less than ten such permits for the A1A lot.

Vice Mayor Sasser asked if all spaces had the ability for such parking, or were some reserved for public parking. He recalled some spaces were used for valet parking.

Assistant Town Manager Bentley responded there was no more valet parking in that lot. Theoretically, the Commission had imposed no upper limit on the number of permits, and the Resolution clearly provided the ability to limit those spaces.

Commissioner Brown thought when the Town Commission passed the parking exemption program for restaurants, the idea was to encourage new restaurants locating to the Town or existing restaurants to invest in improvements to their property. He felt 101 made major improvements to their property, and it was unfortunate, timing wise, they were unable to benefit from the parking program the way others had after the fact. It was doubtful it was the intent of the Commission to create such a disparity. As 101 made improvements, it was a shame they were being penalized in this manner.

Town Manager Hoffmann disagreed that 101 was being penalized, noting they expanded their restaurant in 1999, which was more than a decade before the parking exemption program took effect.

Commissioner Dodd made a motion to approve item 17a. Commissioner Vincent seconded the motion. The motion carried 5-0.

b. Selection of Way-finding Sign Verbiage (Assistant to Town Manager Pat Himmelberger)

Assistant to the Town Manager Pat Himmelberger reviewed the backup information on the subject item, noting Town staff sought Commission input and decisions.

Town Manager Hoffmann clarified the staff was seeking Commission direction on how they wished to describe Commercial Boulevard – both east and west - on the way-finding signs. The sign company advised that the term “Commercial Center” was too long to fit on the sign.

Town Commission Regular Meeting Minutes
February 12, 2013

Ms. Himelberger commented there was a suggestion about shopping/dining, and they were able to fit shopping and dining in two lines with an arrow.

Town Manager Hoffmann added Town staff sought Commission guidance, as, ideally, one phrase was best with arrows pointing both to east and west Commercial Boulevard. One phrase was preferable.

Mayor Minnet noted in her research, way-finding signs were all about visual communication, and the choice was an important selection for the Town.

Ms. Himelberger replied the signs would be installed from north to south on A1A and on Commercial Boulevard from the bridge to A1A. There were about 20 signs, and just about all of them south of Pine Avenue would direct people to parking.

Commissioner Brown thought it would only work for the signs pointed to the beach.

Town Manager Hoffmann said Town staff figured out where locate signs, and they became more frequent once traveling on Pine Avenue going south on A1A. The signs were not only for pedestrians and had to be visible to motorists, so they knew to turn.

Vice Mayor Sasser suggested simply putting "Downtown".

Mayor Minnet agreed with Downtown.

Vice Mayor Sasser made a motion to approve item 17b with the recommendation of "Downtown". Commissioner Dodd seconded the motion. The motion carried 5-0.

- c. Overnight Filming Permit for February 16 and 17, 2013 (Assistant Town Manager Bud Bentley)

Withdrawn by the Applicant.

- d. Evaluation of Sire Technology System (Commissioner Stuart Dodd)

Town Manager Hoffmann briefly reviewed the subject item, as illustrated in the backup.

Commissioner Dodd spoke on the difficulties members of the public and he had using the subject system. Whether justified or not, Sire was one of the most user-unfriendly systems he tried to operate on a computer. He stated he really liked the Granicus system, as it was very user-friendly, wondering how long was the probation period before Town staff and the Commission could decide to reject the new system.

Finance Director Bryan addressed the buffering issue, which he perceived to be the most significant one that took the most work. This was addressed via the Town changing its internet provider from Windstream to Comcast, and the latter was significantly faster. He noted the last CRB meeting was the first meeting since the

Town Commission Regular Meeting Minutes
February 12, 2013

provider was changed, and he received no complaints of buffering, and he was watching the current meeting live on the internet and saw no buffering. Other physical and internal steps were made to the system to improve the speed, noting these were done earlier in the present day, and Town staff already saw the improved difference. He commented on the dragging and jump points, noting this could always be done but Town staff was unaware of the possibility. He illustrated to the Commission changes that would be instituted to make meetings available for viewing on the Town's website the day after a meeting; the unavailability of meetings was due mainly to the slow connection. The size of videos on the screen could be increased as well. He believed the issue with Channel 78 was that it had not been included in the contract, but the vendor had the service available, and it was a question of added cost for the Town to receive it. The decision to change to Sire was based on cost savings, so he believed even with the addition of streaming Channel 78, adding about \$100 per month, the Town was still financially better off than staying with Granicus.

Commissioner Dodd asked Mr. Bryan to briefly detail why Sire was more useful to the Town than Granicus.

Finance Director Bryan and Town Manager Hoffmann cited reasons that included:

- Improved agenda management with the ability of approving items electronically
- Ability to post items for future meetings
- Improved search capability.

Commissioner Brown remarked on the cyber attack on the Town's website earlier in the week by someone in Korea, wondering if switching to the new system made the Town's website more vulnerable.

Finance Director Bryan answered in no way, shape or form.

Commissioner Brown inquired if the attacker could access Town records, bank accounts, destroy files, etc.

Finance Director Bryan briefly recapped what transpired over the past few weeks, when the Town's website was subjected to a prolonged online attack by an IP address traced back to Korea. That address had some type of script running for people to guess the administrative password for the Town's clerk server, the one that ran the whole domain. He said this resulted in 100 attempts per second of people trying to guess the password, which they failed to do, and the system Windows locked the account, preventing him from getting in as well. The particular IP address was now blocked and a number of measures implemented to make the Town's network more secure. Mr. Bryan intimated, if successful in guessing the Town's password, they could have destroyed files. This would do no significant harm, as there were local and offsite backups and, even though the website might have been down for a short time, everything could have been restored. He said, with regard to the Town's bank accounts, there were no connections between the Town's network and the banking

Town Commission Regular Meeting Minutes
February 12, 2013

systems. The speculation was, as the Town's website was a .gov domain, the online attackers likely thought there was secret information to access, so the effort was a huge waste of time for them.

Commissioner Brown wondered if it were possible for the Town to appeal to any higher governmental authority to identify the hacker and take action against them, particularly as they were from a foreign country.

Finance Director Bryan stated he did not know, but the Town Commission and staff would have to take certain steps, such as changing passwords as added protection.

**e. South Bougainvillea Parking Impact on Walgreens' Property Ingress & Egress
(Commissioner Chris Vincent)**

Mayor Minnet opened the discussion to the public.

Everet Sorenson wished to address the entrance on the west side of the Walgreens Shopping Center. He indicated being told letters were sent out by the Town about the future development of Tradewinds, but neither their tenant, Walgreens, nor he received letters. When he discovered the plan, he spoke with the design engineer, Mr. Flynn, and saw the plans then met with Assistant Town Manager Bentley, after which he notified his partner, Frank Myatt. They sought to determine how the plans affected them and learned they had no entrance as far as ingress and egress on the west side of their property. Walgreens was a prime tenant that signed a 40-year lease some 27 years ago, and the subject change was unwelcome in this business arrangement.

Joe Rieger, Facilities Asset Manager for Walgreens, stated their customer base, visibility and access were crucial, and the subject project limited southbound travel from Bougainvillea to enter the property. He said, with the amount of area competition, and accessibility was a key asset, so limiting one of the pharmacy's entrance/exits would definitely impact their sales. He indicated it presented a very tight turn for their delivery trucks and created more traffic problems. Walgreens was opposed and wished they had been notified sooner to allow them to voice their objections to the dais.

Dana Verana, Walgreens store manager, echoed concern about the impact the subject project would have on their store's parking to their customer base and deliveries. She requested the Town Commission authorize the reopening of the entrance to restore the convenience of accessing their store.

Frank Myatt felt Mr. Sorenson, his partner, accurately conveyed their objections, adding the U-turns suggested on the north end of the strip and the south end of Datura Avenue could be made by very few vehicles without hitting the curb. He felt the Town could not afford to lose Walgreens, and his partner and he worked very hard to put the original deal together, and they could not agree to blocking one of their access ways.

Town Commission Regular Meeting Minutes
February 12, 2013

Angela Aldahwi resident and owner of By The Sea Laundry & Dry Cleaners, as well as the property owner of 4305 Bougainvillea Drive, an apartment complex, stated they received no notice of the subject closure. She was alerted to the situation by a neighbor who received the letter and asked her how she felt about it. She had to be out of town when the meeting took place, so she called the Town and was told by staff it would not impact her business, but that was not the case. Their business had been tremendously impacted since the project began; for example, the curb the Town put in place could not be seen by the typical driver accessing the shopping center, the lighting was inadequate and cars were constantly driving over the curb. Cars leaving their shopping center at night going west tended to drive across the curb, as they were unable to see it well. She pointed out there were elderly patrons crossing the curb, as well as those going the wrong way down the road. Twice she was nearly hit, once by a car going the wrong way nearly hitting her vehicle, and another time a car doing the same thing almost hitting her as she walked on the road. She pointed out the problem to one of the project workers, who responded they experienced the same problem all day. Ms. Aldahwi reiterated the streetlights in that area were either very dim or out, and they repeatedly complained to FP&L about them, so at night it created a deathtrap situation for them. She was told by a Town official the project was to help the apartment owners on the subject street with their parking, but she was not aware there was a parking problem, and she knew every property owner on the street.

Mayor Minnet closed the discussion to the public upon receiving no further input. She had concerns regarding the noticing of property owners, and if there had been a problem, this needed to be addressed to prevent future occurrences.

Assistant Town Manager Bentley explained in October/November, notices were sent to property owners, of which Town staff had a list. They were not mailed out return receipt requested, so receipt could not be confirmed. Flyers were hand delivered to residents along the subject roadway, recognizing that residents might be different from property owners.

Town Manager Hoffmann inquired if the Town Commission desired staff to mail future notices of such matters by return receipt to ensure they were delivered.

Mayor Minnet affirmed she did, stating she had no wish to see members of the audience shaking their heads to indicate they received no notice. The Town had quite a number of projects coming up and proper noticing was vital; given the last two projects, proper noticing appeared to be an issue.

Town Manager Hoffmann understood requiring return receipt noticing for a hearing or workshop about a project design. However, when Town staff was trying to provide information to people about the status of a project, this became less practical.

Mayor Minnet felt Town staff needed to come up with some solution to make sure the receipt of notices were signed for or confirmed in some manner.

Town Commission Regular Meeting Minutes
February 12, 2013

Assistant Town Manager Bentley questioned if no one signed for the receipt of a notice, what would be the appropriate follow-up.

Mayor Minnet believed the property owner could be shown the unsigned receipt as evidence of the Town's attempt to notify them.

Jay Flynn, project engineer, reviewed the subject project as indicated in the backup.

There was discussion on the accessibility of the Walgreens site based on the current configuration.

Commissioner Vincent stated he had visited the site and witnessed greater opportunities for more vehicles to access the entire site than was typical of other commercial sites around the Town. In relation to opening the median, his focus was whether it was for convenience or if it created safety issues.

Mr. Flynn responded if the Town elected to open the median, the change would have to go back to Broward County Traffic Engineering for review and approval. His team had not looked at the site distances and reviewed the situation in a very rushed manner from a two-dimensional standpoint.

Commissioner Vincent thought the Town was not taking away the ability for Walgreens to have ingress and egress; the situation was vehicles were not able to exit southbound out of the Walgreens shopping center. However, if one wanted to head southbound, an exit could be made at either the first or second A1A access into Walgreens, so he saw no major inconvenience, nor did he foresee patrons driving another half mile to the next pharmacy. He traveled around the area and observed other Walgreens, and saw that not many of them had a front and back ingress and egress as the Town's Walgreens. The Town sought to create 26 parking spots that were very critical, and he was unsure if he was ready to give up three spots to resolve a convenience issue. If Town staff and the design team could address the curbing issues, that might help Walgreens' delivery trucks considerably, and the ingress and egress would remain to the west side of the property.

Commissioner Brown filled his prescriptions at the subject Walgreens and had his laundry done by the Laundromat in that plaza and disliked the way the parking was currently laid out, so he was initially pleased with the subject project. However, since hearing the complaints, he drove the area and tried making the suggested U-turns to go both north and south, and found the turns to be very tight, and he could see tire marks on the curbs where many cars had trouble negotiating the turns. When he spoke with Town Manager Hoffmann, she informed him addressing the situation would result in the loss of three of the 26 parking spots. He did not feel the loss of the three parking spots was important enough to leave the existing blockage. Commissioner Brown indicated his desire to see if the property owner of the Walgreens site was willing to work with the Town on widening their own access points to help with the turns. If the County

Town Commission Regular Meeting Minutes
February 12, 2013

approved the change, he was in favor of reopening the area where the three parking spaces would be lost.

Commissioner Dodd reviewed the various comments made by the property owners and Walgreens representatives. Mention was made that exposure was critical, yet the subject access way at Walgreens was obscured by two trees and a very out-of-date entrance. He agreed signs should have gone up before the curbs were installed to alert people to the one-way roadways. He stated the delivery truck shown in the presentation was actually in a fire lane, and Walgreens needed to make corrections within their site, such as taking away the parking from the areas that blocked access to the loading bay. This would remove the need to use the Town's fire lane for access. When Mr. Sorenson contacted him about placing the item on the agenda for discussion, he told Mr. Sorenson he would entertain the removal of three spaces on Bougainvillea to provide a southbound exit if Mr. Sorenson was prepared to pay the Town's loss of parking revenue. He had yet to get the figures from Town staff as to the estimated revenue per parking space, nor had he added that the property owners should be responsible for the Town's costs of making the alterations to put the opening back. Commissioner Dodd believed the Town's solution was more appealing, that Mr. Sorenson use his funds to change the radius of his entryway, remove the trees by the entryway. He was sorry the property owners and Walgreens did not receive notices of the project, though he had no doubt Town staff did the required noticing. However, more had to be done to ensure receipt of notices, including the erection of signs about public meetings and/or displays of drafts of design plans for the public to see.

Vice Mayor Sasser thought opening up the entrance and removing the two trees made sense, as it would make it easier for trucks and large vehicles to access the site. He thought he heard a willingness to make this change, at least from Walgreens, asking Town staff if they received any commitment to make such changes.

Assistant Town Manager Bentley answered no, though the first day on site when the matter was discussed, he heard the store representatives recognize the subject access way was tight and was something they needed to change. Tire marks on the curbing of the entrance way were already evident, as illustrated in pictures taken prior to work commencing, and the two trees mentioned by Commissioner Dodd were both underneath power lines.

Vice Mayor Sasser felt the work being done now would compound the issue being discussed, so those issues had to be addressed, and he hoped to see a commitment from Mr. Sorenson to open the entranceway up. If such a commitment were given, he would make a motion to keep the plans as they were, and in six to nine months revisit the matter to determine what aspects, if any, were problematic, as it was difficult to determine who was right as to the effects of the changes.

Mayor Minnet commented her recommendation had been not to make any changes to the existing curb, ask the business owner to evaluate and modify their entrances, and for the situation to be monitored for six months before making any changes. Town staff

Town Commission Regular Meeting Minutes
February 12, 2013

was given the challenge to increase parking in the south end of Town, which they did, so it was important to allow the subject project to progress rather than pull it back before giving it a chance to prove its functionality.

Commissioner Brown disagreed, making a change now would cost less, as there had been very little construction with only the curbing installed. In six months, it would be more difficult to realign the landscape islands, parking meters would be installed, and other adjustments in the sides of the parking spaces would have to be made.

Commissioner Vincent believed it might be unwise to try solving a problem no one knew to in fact exist, hence he recommended a six-month wait to determine if there were any problems. He realized the Town could force neither Walgreens nor the property owners to widen the entrance to the site, and such a change would be at their expense, as it was private property. However, as their land did adjoin the Town's property, which was the sidewalk, the Town could consider absorbing some of the expenses to make those changes, wondering if this offer was possible for the Town to make.

Town Manager Hoffmann responded the area was not in the Town's right of way, as the backside of the sidewalk was the end of the Town's right of way.

Vice Mayor Sasser expressed a willingness to accept the Town absorbing any expense that would be needed on the Town's property to make the changes successful.

Vice Mayor Sasser made a motion to move ahead with the subject project as planned, and get a commitment to widen the driveway from Walgreens/the property owners as proposed by Mr. Flynn and Town staff. If that commitment were given, in six months the outcome would be evaluated to determine whether to reopen the median or leave it as is. Commissioner Vincent seconded the motion. The motion carried 4-1. Commissioner Brown voted no.

f. Mayors' Climate Action Pledge (Mayor Roseann Minnet)

Mayor Minnet remarked the subject item was presented to the Town at the Fourth Annual Regional Climate Change Summit in Jupiter, and she preferred not to sign it without the go ahead from the rest of the Commission.

Commissioner Dodd stated he fully supported the Mayor's Pledge, as the adverse effects of climate change were definite; the only matter for debate was how fast they would happen.

Vice Mayor Sasser thought, overall, the Pledge was probably a good thing, but he wanted to make sure the Town was not making any financial commitment by supporting the Pledge before moving forward with it.

Town Attorney Trevarthen referred to section three of the resolution, where it stated the Commission was simply agreeing to consider the Pledge in whole or in part as

Town Commission Regular Meeting Minutes
February 12, 2013

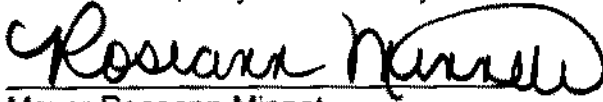
appropriate. With those considerations, the Commission retained broad discretion on whether to do anything beyond adopting the resolution.

Commissioner Vincent agreed with the Pledge, but believed the Town could begin to do its part with the addition of shade trees on Bougainvilla.

Commissioner Brown made a motion to approve item 17f, authorizing Mayor Minnet to sign on the Commission's behalf. Commissioner Dodd seconded the motion. The motion carried 5-0.

18. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:35 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk, Vanessa Castillo

4/23/13
Date